

REMARKS

Upon entry of this amendment, claims 1-19, 23-31, 33, 35, 37-40 and 43 are pending. By the present amendment claims 1, 4-9, 13, 16, 18, 23, 26-31, 33, 35, 37-39 and 43 are amended. Favorable reconsideration of the application is respectfully requested.

The rejection of claims 1, 4-10, 12 and 37 under 35 U.S.C. §103(a) over Spear et al. (U.S. Patent No. 6,486,439, hereinafter "Spear") in view of Blankenship et al. (U.S. Patent No. 6,624,388, hereinafter "Blankenship") is respectfully traversed.

Without acquiescing in the rejection, it is noted that claims 1 and 37 have been amended to specifically recite that the purchase time includes an auction period, a period of business discussions between the user and the dealer, and a period required between delivery of the article by the dealer and reception of delivery of the article. These claims have also been amended to include a reverse auction feature, and for receiving sales information from dealers during the auction period. Support for these features may be found, for example, in the instant specification at page 24, lines 13-17, Figure 9, page 12, lines 1-7, and page 8, lines 17-19.

It is respectfully submitted that neither Spear nor Blankenship, either singly or in combination, disclose, teach or suggest the feature of the information

generating section that presumes a time when life of the article required by the user device will end, and generates the purchase information at a time calculated by subtracting from the presumed time a purchase time required between transmission of the purchase information by the communication section and reception of a delivery of the article, wherein the purchase time includes an auction period for conducting, for example, a reverse auction, a period of business discussions between the dealer and the user and a period between the initiation of delivery of the article by the dealer and receipt of the article by the user. Moreover, because there is no teaching or suggestion in either Spear or Blankenship of any auction, there can be no teaching of taking the time for conducting an auction into account.

Moreover, the Office Action concedes that Spear fails to disclose or suggest the specifically claimed feature of the information generating section presuming a time when life of the article required for maintenance of the user device will end, and generating purchase information at a time calculated by subtracting from the presumed time a purchase time required between transmission of the purchase information and reception of delivery of the article. The Office Action takes the position that the related disclosure to Blankenship overcomes this admitted and fundamental deficiency of Spear. This position is simply incorrect and unsupported by Blankenship itself.

Specifically, the Office Action points to Col. 3, lines 47-63, Figure 14 and Col. 15, lines 48-67, of Blankenship as allegedly teaching this specifically claimed feature. The recitations in Blankenship relate to *monitoring* of welding materials and supply information from the weld monitoring component. The supply information is *monitored* and compared to predetermined supply threshold values. Orders are placed as supplies diminish *based on the result of the monitoring* (see, e.g., Col. 3, lines 58-60). “Monitoring” is virtually the opposite of presuming a time of life of an article. When one actually “monitors” an item, there is no need to presume how long the item is going to last, the monitoring would ostensibly do this. Thus, the teaching in Blankenship of monitoring (either automatically or manually) teaches specifically away from the claimed feature of presuming a time of life of an article. It is also important to note that there is no teaching or suggestion anywhere in Blankenship that any threshold value is a presumed life of a maintenance article. Of course, this is not surprising given that Blankenship requires monitoring of the item. There is also no teaching or suggestion in Blankenship that the time required for purchase is ever taken into account when ordering the supplies. Applicants’ review of the references does not uncover any teaching or suggestion of the specifically claimed features. In addition, the claims specifically recite time elements that are taken into account when determining the

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purchase time. It is respectfully submitted, that both Spear and Blankenship are devoid of any teaching of these specifically enumerated and claimed features.

Therefore, even if, *arguendo*, the combination of Spear and Blankenship were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

The rejection of claims 2, 3, 11, 13-19, 23-31, 33, 35, 38-40 and 43 under 35 U.S.C. §103(a) over Spear in view Blankenship, and further in view of Heimermann et al. (U.S. Patent No. 7,110,976, hereinafter "Heimermann") is respectfully traversed.

Without acquiescing in the rejection, it is noted that the independent claims have been amended to specifically recite that the purchase time includes an auction period, a period of business discussions between the user and the dealer, and a period required between delivery of the article by the dealer and reception of delivery of the article. The independent claims have also been amended to include a reverse auction feature, and for receiving sales information from dealers during the auction period. Support for these features may be found, for example, in the instant specification at page 24, lines 13-17, Figure 9, page 12, lines 1-7, and page 8, lines 17-19..

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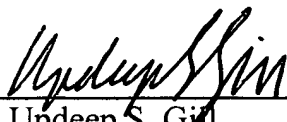
It is respectfully submitted that Heimermann fails to overcome the fundamental deficiencies noted above with respect to Spear and Blankenship. There is no teaching or suggestion in Heimermann of the claimed information generation based on presumed time of the end of life of an article. Therefore, even if, *arguendo*, the combination of Heimermann and Spear and Blankenship were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,
NIXON & VANDERHYE P.C.

By: _____


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